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An attempt to show the policy of [illegible]
ing part of Mississippi Territory to the
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AN ATTEMPT, &c.

A period has arrived, with the return of a prosperous agriculture and commerce, when the mind of every citizen must be more or less occupied, on the subject of extending the principles of self-government in this territory. Within the limits of the United States, republican institutions have met with a success beyond the expectation of their warmest admirers, and to the utter disappointment of their theoretic opposers. They have become so interwoven with the sentiments, habits, and growth, of the people, that we have the most just expectation that they will ever be cherished.

It is, therefore, no matter of surprise, that the *temporary* expedient of territorial government should be endured with some impatience; and the purer principles of a permanent system sought with anxiety and solicitude. But it ought to be remembered, that the system, for which our territorial government may be exchanged, will, as to the *limits* it may embrace, be permanent and unalterable. It is not only to affect us in all our interests and relations; but posterity will share the beneficial effects of our wisdom, or regret our want of discernment.

The subject, therefore, of a change of government, becomes one of vast consequence, and deserves the serious and deliberate attention of every citizen. It deserves an impartial consideration, independent of the local and adventitious politics of the day:—these will pass away; but the system to be adopted is expected to endure for ages.

The inquiry then, whether this territory shall go into a state government, with its *present limits*, is one of the deepest interest to every person: and any effort to elucidate an inquiry, so interesting, may not be unacceptable, however humble the attempt.

We have formed the deliberate opinion, that nature never intended the present limits of this territory to be embraced in one state: and, if it were effected, that the interests and welfare of each portion of the territory

would be jeopardized, and the seeds sown of enduring dissention and animosity.

The territory consists of three principal sections of country:—*First*, the counties on the Mississippi, lying west of Pearl River, and extending to about the 33d degree of north latitude: *Secondly*, the counties on Tombigbee, Alabama, and Mobile: *Thirdly*, Madison county. The distance between the first and second, is nearly three hundred miles, and between the first and third, more than four hundred miles, with two Indian nations intervening. Between these sections of country there is no natural or commercial connection—no community of interests or pursuits. The situation and quality of the soil preclude the hope, that there ever should be a connected population between the first and second sections of country; and the intervening Indian nations forbid it between the first and third. The inhabitants of each are strangers to those of the other; and they only meet who are selected to carry on the operations of the territorial government, much complained of for bringing about *that* inconvenience.

These districts have been thrown together, fortuitously, by congress, for the immediate purposes of temporary government. They never had any natural or political connection previously: but, as they came within the jurisdiction of the United States, by the cession or relinquishment of Spain, or were populated by an unexpected migration, were thus temporarily disposed of, without reference to natural boundaries or connections—therefore no ancient limits can be prescribed for, as having fitly encompassed them.

From the unconnected situation of these districts, they must be expected ever to remain, in some measure, separate communities, with separate and distinct interests, never to be brought in unison. What will be their baleful effects when brought together under a state government? The assessment of a revenue will be made with jealous partiality, collected with waste, and appropriated, not for the aggrandisement of the state, but for purposes, which will continue and perpetuate dissentions. Each section, as its majority may happen, will take to itself every thing in turn. Has it occurred to any one where the seat of government will be; where the sessions of a

supreme or appellate court will be held, and where the cites of a college and public schools? They, most probably, would be migratory, fixed by one majority, at vast expense, and removed by another at equal expense. If it were endeavored, for sake of theory, to ascertain the most central situation, it would probably be found in the Choctaw nation.

At present the seat of government is near the Mississippi. But under a state government, embracing the present territorial limits, can the inhabitants of the counties on the Mississippi flatter themselves that it would be continued among them for a single year? The increasing numbers of the other sections of country, would furnish a majority to remove it to Tombigbee, Mobile, or to a more distant place. The supreme or appellate court, under the state government, would, of course, follow it: and the same majority could not be expected to leave Jefferson college, or any other public institution of learning. The revenue, derived from the industry and wealth of the inhabitants in the counties near the Mississippi, would be expended in a section of country, with which they would have *only* a forced connection through the mal-conformation of their government. The great inconvenience in having all the legislative and executive operations of the government carried on at so great a distance, would be most severely felt.—But could it be endured, that all the important causes, involving life, liberty, and property, should be determined in the last resort at either of those distant places, or in Madison county? Would not an immediate depression in the value of lands, in the Mississippi portion of country take place? In fact, would not this section of country, whilst it endured a severe taxation, lose nearly all the advantages and blessings of self-government? Might it not, with as much convenience, be appended to the state of Georgia, or to either of the Carolinas? But if it were even believed by the people on the Mississippi, that the seat of government and cites of public institutions, might be retained among them, the inhabitants of the other districts would experience the same inconvenience and oppression, which those on the Mississippi would avoid: and, in either event, the most rancorous jealousies and animosities would ensue. The local prejudices of detached communities, unfitly brought to-

gether, are strong and unconquerable. We think we might, with confidence, appeal to our most intelligent citizens, from every part of the territory, who have been selected as legislators, if they have not observed the operation of these prejudices in our territorial assemblies? We believe they would reply, that they had, with regret, marked the progress of those local prejudices and jealousies, which had contributed much to the hindrance of public business, and to the annoyance of general measures; and which had introduced a system of bartering one local measure, unconnected with the general interests, for another of similar import. It is not intended, by these observations, to cast even a shadow of reflection on former legislatures. The error is not attributed to *their* motives, but to the system of limits, which brought together the heterogenious interests. To what other cause can be attributed the unprosperous course of our territorial government? Systems have been adopted and abandoned; laws enacted, amended, and repealed, with a profusion that would seem to estimate them of little value:—local laws and measures exchanged by one district, for similar expedients for another, with the rapidity of a driving trade. Much revenue has been collected; taxes have been high, and the people have paid them: But no monument to adorn, or add convenience to the country, is left to show their application. We have no public buildings or institutions endowed by legislative munificence: our jails are not sufficiently strong to restrain runaway slaves; and our courthouses and public roads would seem to indicate a country in poverty. As to public schools, we have none. Let it again be repeated, that these miscarriages are not attributed to the motives of the legislators or administrators of our government; but to the incongruous interests embraced within the present limits of our territory.

It is, however, believed, that the evil can be remedied; and that the best interests of every portion of the territory require that the part of it lying between Pearl river and the Mississippi, and extending to the 33d degree of north latitude, should be annexed to Louisiana, and incorporated with that state.

Some of the advantages of this measure we shall attempt to point out; but would first anxiously solicit every

ous to examine minutely the boundaries and situation of the country between the Mississippi and Pearl river, to consult the maps and surveys of it, as if connected with the state of Louisiana; and it will be found that the annexation will not add one mile to the present length or width of that state; that it will merely [illegible] its form, by adding a portion of country already one-half surrounded by it, and which has been severed from it by accident. All the streams and navigable waters of the country proposed to be annexed, connect themselves with the Mississippi, that great highway of commerce. All the staple commodity, and every article of surplus produce of this part of the territory is borne to market upon this river and its dependent waters; and it returns all the supplies of necessity, convenience, or luxury. Its importance is great beyond calculation. Without it, of what value or estimation would the whole country have been from the Balize to the northern limits of this territory? It would, most probably, have yet been uninhabited by civilized man. But this mighty river is destined to waft as rich a commerce, as has ever been borne upon the waves. The products of the growing country from the Allegany, to an almost immeasurable extent west and north, are to descend the Mississippi for a market; and the importations for that vast extent of country, are to ascend this river to their respective destinations. Its navigation, by the invention and introduction of steam boats, is improving with unexpected rapidity. Countries on its borders, once considered far distant from each other, are now wonderfully approximated:—Orleans and Natchez are already within two days journey of each other. The interest of every person, from Pearl river to the Mississippi, is dependent on the navigation of the latter: and can the propriety be doubted of his becoming a member of a state, through the centre of which that river should flow; and participating in the government that should have jurisdiction of its waters from its mouth to the 33d degree of north latitude? Every one would certainly feel his interests more secure, when he participated in their management. A state thus formed would promise a growth and prosperity unparalleled in the rapid advancement of the sister states of the union. Local jealousies and prejudices could not exist to a noxious extent. Eve-

ry one would have the *same interest*, that powerful cement of society. Agriculture and commerce are inseperably connected, and dependent on each other for existence. If the state cherished agriculture and fostered commerce, the wealth and happiness of every citizen must be promoted; as the industry of every one would participate in their blessings.

All the commercial relations of the people between Pearl river and the Mississippi are with the state of Louisiana. The whole of their surplus produce finds its way to New Orleans, either directly or indirectly. A constant intercourse with that state is necessarily kept up, and must ever continue. Who has not felt the great inconvenience, that between countries thus naturally and necessarily connected different jurisdictions, systems of laws and policy should prevail: that his property should be subjected to a different rule of decision as it might happen to be found on one or the other bank of the Mississippi; that the justice of either jurisdiction should be evaded, by rowing half across that river; that debts contracted by the inhabitants of one with those of the other, should be subject to different principles of collection as to time and adjudication; that property sent to market should be liable to attachments and sequestrations, as if the owner were an alien and foreigner? These vexations are felt by the people of Louisiana, as well as those of that part of the territory alluded to. Would it not be most desirable to do them away, by embracing both countries under one harmonious system of laws and policy? Every inhabitant of the portion of territory, proposed to be annexed, would find his property increased in value, and feel his weight and consequence, as a citizen of a free government, augmented, when he found himself member of a state, that contained so great an emporium of commerce as New Orleans is destined to be; that contained the ultimate market for the products of his wealth and industry; that had the great highway of commerce passing through its centre, and held jurisdiction of that river for a course of more than five hundred miles: and, when he reflected that he participated in the government of such a state, and possessed all the rights and immunities it could bestow, he must feel his interest and freedom secure, and his political destiny most happily cast.

Hudson river, which traverses the state of New York, is far inferior to the Mississippi; but the foresight of those who procured the limits of the ancient province, is now apparent. They did not locate their province on one side of that river, leaving it as a boundary; but, with a wisdom and forecast, which their posterity now venerate, included that great navigable water, with all its tributary streams, within their provincial limits. To this circumstance, in an eminent degree, the state of New York owes that rapid growth and prosperity which has rendered it the most commercial, wealthy, and powerful, state in the union.

It may be objected, that in the state of Louisiana and that part of the territory proposed to be incorporated with it, different systems of laws now prevail; that the former has adhered mostly to the civil code, while the latter has adopted, to a considerable extent, the common law of England. The great principles of the civil law, as far as they are adhered to, as a rule of decision and a system of written reason in the state of Louisiana, have no terrors for a civilized people. This system, as containing the purest principles of justice and equity, has been adopted by the nations of civilized Europe, Great Britain excepted; and has inscribed the name of its legislator "on a fair and everlasting monument." The ameliorated principles of the common law are mostly borrowed from the civil code. But when it is recollected, that the criminal law in all its extent, is the same in Louisiana and this territory, that the mercantile law is the same in each; that all contracts are to be governed by the laws in force at the time and place they were entered into; and that the principles of descent, testamentary disposition, conveyancing, and other great rules of property, will be prescribed by legislative acts, but little *diversity* of laws or systems will remain to be reconciled. It is, however, confidently believed, that a beautiful and harmonious system, eminently adapted to the situation of this country, might be adjusted from a combination of the purer principles of the common law and civil code, rejecting the asperities and formal niceties of the one, and the inapplicable refinements of the other. But it is not necessary to discuss this subjest, to show the propriety of the annexation. It is a subject on which the people themselves

can safely decide. They will have the making and adopting of their own laws and systems of jurisprudence, by legislators chosen from among themselves: and where there is no diversity of interests, pursuits, or connections, it would seem impossible that any part of the community should be oppressed by general laws or systems of their own formation.

The union contemplated, with the uniformity of jurisprudence pervading the whole state, must bring many and lasting advantages to the annexed territory. Commercial capital would be more readily circulated in it, from the mart of commerce, when it was within the same jurisdiction and subject to the same laws: confidence would be equally extended; and a uniform system of business prevail. Every improvement, facilitating the easy intercourse of this part of the country with New Orleans, and other parts of the state, also with the western country, would be equally beneficial to the whole state; therefore encouraged and promoted. The counties on the Amite and Pearl rivers, would share largely in these advantages. The improvement of their navigation, roads, and highways, to connect them immediately with New Orleans, would raise the value of their lands, enhance the price of their produce, by facilitating their access to market, and permanently improving their country.

It will be inquired, however, with much anxiety, by the free and independent people proposed to be incorporated with the state of Louisiana, if, by that act, any of their rights, which they now enjoy, or might acquire, will be surrendered? And certainly, if one legitimate right, or one principle of liberty or self government were to be surrendered by the union, it ought not to take place. But again, let it be asked, if any one principle of the purest freedom or legitimate right of self-government would be jeopardized? The people of this section of country, would become the citizens of a free and independent state of the union, with all the privileges and immunities of the citizens of any of the United States. Every one an elector of his own representatives and high officers of trust, as prescribed by a free constitution; and every one eligible to the highest offices in the state. Does any one contemplate that more or greater rights can be acquired?

Again—It will be inquired, if the state of Louisiana will consent to receive that part of the territory we have designated, and incorporate it with that state? It is certain that the assent of the state of Louisiana and of congress, would be required to effect the proposed measure. It is to be presumed, that the great principles of interest which usually govern states and communities, would have their influence upon the state of Louisiana, in deciding this question: and, it is believed, that the best interests of that state would call for a unanimous determination in the affirmative.

Louisiana is a barrier and frontier state, liable to attacks from sea, and invasion by land. To increase the physical strength of the state, by the accession of so large a population as is contemplated to annex, must so far add to the strength and security of the state, as to render it a most desirable acquisition. In the late invasion of New Orleans, every Louisianian perceived the necessity, that the physical force of this part of the territory should be combined with that of his own state; that the whole should be moved under one system, with an energy directed by one will: and, although, on that occasion, the patriotic governor of this territory, by prompt and decisive measures, supplied the defects of political organization in the most efficient manner in his power; yet the people of Louisiana have no guaranty for such an executive magistrate, or for similar measures on a like emergency. The feelings manifested in this part of the territory, at that juncture, show how natural the connection, and how intermingled the interests, of the two people. Every one felt that his deepest interests were at stake; that an attack was made, not on a neighboring state, but on his own fire-side. Why should not a people, thus situated, return to their ancient friendships and hospitalities, restore their former connection, and combine their strength, by the indissoluble union of a state government?

While the accession of numbers to the state of Louisiana, would increase the military strength, and combine the means of defence, the accession of property and wealth would decrease the burden of taxation upon the people. It can hardly be doubted, that a state government, embracing the extent of country contemplated, could be liberally administered without increased expense. An addi-

tional number of representatives and senators, in proportion to the population of the annexed territory, and the enlargement of the judiciary sufficient to extend it over that territory, would nearly comprise the additional source of expenditure from the public treasury: and, it is believed, that this drain could be supplied by a more judicious apportionment of salaries, and economising, in such branches of expenditure as experience should render practicable. In the mean time, taxation in the annexed part of the territory, would decrease in the same proportion.

By the proposed connection, the weight and importance of the state of Louisiana would be vastly increased in the scale of the union. An increased representation in the house of representatives of the United States, instead of a solitary member, would impart consequence and influence to the state, calculated to secure and protect its rights. The rich growth of the staple commodities, and the great advantages in agriculture, navigation, and commerce, acquired by the proposed union, would soon render Louisiana the most wealthy and prosperous of the United States.

In extending the free and independent constitution of the state of Louisiana, to embrace that part of the territory proposed to be annexed, it is not perceived that any change would be effected in that instrument, derogating from the rights of that state as now limited. It is said to be already contemplated in that state, soon to call a convention to make such improvements in the minor principles of their excellent constitution, as experience has pointed out. By the assent of congress and of the legislature of the state of Louisiana, members from this part of the territory, might, at the same time, be sent to join in that convention. The constitution of Louisiana would require but little more than a new definition of limits, provisions for extending representation and sessions of the supreme or appellate court to this part of the territory, to become applicable to the whole state in the form contemplated. The establishment of circuit and other courts as now organized, in each county to be annexed, or upon a more eligible plan, would be for the consideration of the legislative wisdom.

The form of the state would have such compactness and convenience, that it is not perceived where a collision of interests could arise. It is believed that a majority in the state of Louisiana, as now formed, are in favor of removing their seat of government to a more central situation on the Mississippi; and that it will be located as high up the river as Baton Rouge. That cite would probably afford equal convenience to every part of the state in the extent contemplated, taking into view the great facility of intercourse by the Mississippi: and a constitutional provision for a supreme or appellate court in the last resort, to be holden in the annexed territory, as is now provided for the district of Opelousas, would afford to every portion of the state, as we wish it to be formed, all the convenience and security any people could enjoy.

That the assent of congress would be yielded to the measure, cannot be doubted. The United States would be more secure by concentrating, in a barrier and frontier state, the military force on the Mississippi. It will secure concert in action, and promote the energy and means of defence. The people of the western country would experience the beneficial effects of the union, in their trade and commerce on the Mississippi. It is now frequently unknown to them in what jurisdiction they may be transacting their affairs; and the same transactions are, sometimes, ramified into separate governments, and liable to different modes of procedure, to effect the same object. These expensive vexations and frequent delays would be done away, by uniformity of system and extent of jurisdiction.

It will be proper now to consider the effect that a separation of the Mississippi part of the territory would have upon the two remaining sections of country;—and we doubt not that the separation would be equally beneficial to them. But again we must solicit that the maps and surveys of those sections of country be minutely examined, and their boundaries considered, as if actually severed from the Mississippi part of the territory. It will then be ascertained that the second section of country by itself, after deducting the lands of the Creek nation, would form a state of more than twice the extent of Louisiana, including that part of the territory proposed to be annexed. The great navigable waters of that section of coun-

try, the Tombigbee, and Alabama, after traversing a vast extent of it, unite in the Mobile, and form the great communication with the ocean. Those navigable waters render that country independent of the Mississippi, and wholly disconnect it from the first section of country with which it has been thrown into a territory. All its relations and connections of interest and business, tend to those navigable streams, through which an intercourse is facilitated with every part of the world. The seat of government, and the cites of public institutions of the great state, to be formed within the limits of that country, would naturally be fixed upon some of those navigable waters so central to its situation. Why should those natural relations and advantages of the country be disturbed or turned into a mischievous direction, by connecting it with this part of the territory, wholly separated in interest and intercourse? The great accession of population, which the late extinguishment of title to the lands of the Creek nation, must bring within that country, will speedily entitle it to a state government, and *that* under every advantage of limits and commercial convenience. To connect it in a state with the Mississippi part of the territory, would deprive it of its natural advantages, and subject it to division at some future period, when its navigable waters, instead of being left central, might form boundaries of rival states or territories.

Madison county is situated north of the river Tennessee, and within a short distance of the capital of that state. Every one must be at a loss to conjecture what principle of policy should ever have suggested its connection with this part of the territory; and, it is presumed, still more at a loss to discover what motives of interest or convenience to the people of that county should continue the connection. If the geographical situation of that part of the territory be examined, in connection with the contiguous state of Tennessee, it would seem that the interest and convenience of each pointed to an union. The people of that county may, however, be of opinion, from their easy communication with the waters which empty into Mobile, that it would be advantageous to their commerce to be embraced within the limits of a state, which contained such an outlet to the ocean. And if such inducements should continue the connection of that

county with the second section of the territory, the limits of the state to be formed would be enlarged much beyond the estimation before made; and the period of a state government accelerated. But can any citizen of Madison county discover one motive of interest or of possible convenience, which should induce the continuance of a connection of that county with this part of the territory?

We feel the sincerest conviction that the *welfare* of every portion of the territory calls for a severance of the Mississippi part of it from the other sections; and hope the subject will receive that dispassionate consideration from the people, which its great importance deserves.

It is a question of *constitutional limits*, in which the original rights of the people are vitally affected. The limits to embrace a state are prescribed by its constitution; the formation of which pertains to the people "in their sovereign and unlimited capacity." This great and salutary principle forms the basis of self-government, and creates the vast difference between the free institutions in America, and the regal governments of Europe. In the latter all power is derived from the monarch; justice administered from his benignity, and honors imparted from his bounty: in the former the people, in their original capacity, deleniate their form of government, and prescribe its constitutional powers, to which every branch is subjected. *They* remain the source of power; and the executive, legislative, and judiciary, branches, are created by the constitution, which the people *themselves* have formed. It pertains to neither of these branches to make anew, alter, or change, the form of government. That act of unlimited sovereignty belongs to the people in their unrepresented capacity. This feeble and hasty sketch, is, therefore, solely addressed to *them*, not in the belief that justice is done to the importance of the subject, but in the hope that inquiry will be excited, and more able investigation called forth.

Opposition may be predicted, from men in office, and expectants of public favors under a contemplated state government with our present limits. But if the proposed measure be salutary and promotive of the interests and happiness of the people, it is hoped that the patriotism of *such* will prompt them to mingle their pretensions with those of the common mass of their fellow citizens. These

pretensions can be preferred under the auspices of a powerful and well formed state, where the theatre, for the display of merit, will be much enlarged, and the execution of offices more extensively beneficial to the community.

We shall close this attempt, by suggesting to the people of each county, between the Mississippi and Pearl rivers, the expediency of petitioning congress and the legislature of Louisiana, to effect the object, to which we have endeavored to call their attention.